REMARKS

Claims 9-19 are in this application. These claims are supported inter alia by the originally filed claims and the specification, in particular pages 11-14.

The specification has been amended to include that this application is a 371 of PCT/EP03/13828 filed on November 28, 2003.

The Examiner has rejected claims 1-8 under 35 USC 101.This is respectfully traversed.

In view of the cancellation of claims 1-8 and the addition of new claims this rejection is moot and it is respectfully requested that it be withdrawn.

The Examiner states on page 2 of the Office Action that the claims will be interpreted as methods for the manufacture of food additives and/or food in general. In addition, the Examiner refers to MPEP 818.02(a). However, as stated above this application is a national stage entry of a PCT application. The Examiner's attention is drawn to Appendix Al Administrative Instructions Under the PCT found in the MPEP, specifically Annex B Unity of Invention.

Rule 13.2 shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application:

(i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product,

In this national phase application it is proper to examine claims for a product, process for manufacture of said product (e.g. use of a compound of general formula I to manufacture a food product) and a use of the product.

Therefore, it is proper to examine claims to methods for prevention and treatment in this application. In addition, this is consistent with the position the Examiner has taken with respect to the rejection under 35 USC 112, paragraph 1 regarding lack of enablement.

The Examiner has rejected claims 1-8 under 35 USC 112, first paragraph because according to the Examiner while the specification is enabling for manufacturing a food additive or food useful for the prevention of the same conditions for use for the treatment and control of hypertension and/or obesity, the specification does not enable any person skilled in the art to prevent hypertension and/or obesity.

This is respectfully traversed.

The Examiner's attention is drawn to the page 11, lines 5-14 where it is described that 2-hydroxyoleic acid and its analogs have a marked hypotensive effect, since they induce reductions in blood pressure. It is also described that the hypotensive effect results in a reduction in blood pressure within 2 hours of ingestion, and this is maintained for days and weeks. The evidence of the hypotensive effect enables prevention of hypertension because the ingestion of a compound of general formula I has a hypotensive effect and this is not limited to a patient with clinically identify hypertension. By ingestion of a compound of formula I by a subject with a so-called "normal" blood pressure, hypertension can be prevented.

In regard to prevention of obesity, the Examiner's attention is drawn to pages 13 and 14 and figures 7 and 8 of the specification. It is explained that fatty acids of the 2-hydroxyoleic acid type and their functional analogs produce effects of satiety, inducing reductions in food intake. The data from the rat experiment establishes that rats receiving a nutritional supplement

containing the molecules of the invention lost body weight during food-intake periods of from 5 to 17 days. The rats were give 2-hydroxyoleic acid or its functional analogs and were given free access to food and water, in the same way as the control group of rats, which received the same diet without the addition of fatty acids. The body weight of rats receiving the supplement progressively decreased. Similar experiments carried out on adult mice showed reductions in body weight from 15% to 25%, relative to control mice (without nutritional supplement). This result was also seen in the diet of normotensive rats and hypertensive rats.

These results establish that a compound of formula I can be used to prevent obesity.

As the application includes information and data that shows that hypertension and obesity can be prevented, these claims are enabled.

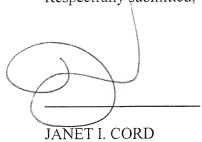
Accordingly, it is submitted that it is respectfully requested that rejection be withdrawn.

The Examiner has rejected claims 1-8 under 35 USC 112, second paragraph. This is respectfully traversed.

In view of the new claims, this rejection is moot and it is respectfully requested that the rejection be withdrawn.

It is submitted that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,



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